

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STANLEY A. SLUPKOWSKI,)	8:08CV471
)	
Petitioner,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, et al.,)	
)	
)	
Respondent.)	
)	

STANLEY A. SLUPKOWSKI,)	8:08CV472
)	
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

These matters are before the court on Stanley A. Slupkowski’s (“Slupkowski”) February 5, 2009 Motions, which the court construes as motions filed pursuant to [Federal Rule of Civil Procedure 41](#). (Case No. 8:08CV471, Filing No. [11](#); Case No. 8:08CV472, Filing No. [11](#).) In his Motions, Slupkowski requests that “both proceedings be cancelled” and states that these matters will be refiled in other jurisdictions. (Case No. 8:08CV471, Filing No. [11](#) at CM/ECF pp. 1-2; Case No. 8:08CV472, Filing No. [11](#) at CM/ECF pp. 1-2.) The Motions are granted and these matters will be dismissed without prejudice.

Slupkowski also requests that the court return the filing fees to him. (Case No. 8:08CV471, Filing No. [11](#) at CM/ECF p. 2; Case No. 8:08CV472, Filing No. [11](#) at

CM/ECF p. 2.) Pursuant to the Prison Litigation Reform Act (“PLRA”), a prisoner plaintiff is required to pay the full amount of the court’s \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). “[T]he PLRA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal.” In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997); Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001). Further, a prisoner plaintiff remains responsible for the entire filing fee, as long as he is a prisoner, even if the case is dismissed at some later time. Tyler, 110 F.3d at 529-30; Jackson, 173 F. Supp. 2d at 951. Thus, even though these matters are being dismissed, Slupkowski remains responsible for the entire filing fee in each case.

IT IS THEREFORE ORDERED that:

1. Slupkowski’s February 5, 2009 Motions (Case No. 8:08CV471, filing no. 11; Case No. 8:08CV472, filing no. 11), which the court construes as motions filed pursuant to Federal Rule of Civil Procedure 41 are granted. These matters are dismissed without prejudice.
2. Slupkowski’s request to refund the filing fees in these two matters is denied. None of the filing fees paid in either case shall be refunded.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

March 17, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge